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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/655,133	05/30/1996	BRUCE TOGNAZZINI	2860-018	8269
20277	7590	11/10/2003	EXAMINER	
MCDERMOTT WILL & EMERY 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			ORGAD, EDAN	
		ART UNIT	PAPER NUMBER	
		2684	21	
DATE MAILED: 11/10/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	08/655,133	TOGNAZZINI, BRUCE
	Examiner Edan Orgad	Art Unit 2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on amendment filed 10/29/02 .

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-10 and 12-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-10, 12-18, 22 and 23 is/are allowed.

6) Claim(s) 19-21, 25 and 26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-21 & 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Foladare et al (US # 6,134,454).

Regarding claim 19, Foladare teaches providing an element for sending a communications request from an originating station including a query for searching information stored at individual stations (col. 6, lines 35-39) and providing an element for performing the step of receiving a response from only individual stations which have information stored that satisfies said query (col. 6, lines 59-67). In other words, Foladare shows 2 devices (figure 4, elements 12 & 78, where one device could be a PDA, defined by Foladare as a device with relative extensive storage features (col. 1, lines 49-55) and the other device is a 2-way radio. Foladare teaches that determining the location of a user using either device is done via comparing present and future times where the user is or may be, more specifically, a query is only satisfied when a proposed time or location of the user is identified (figure 4, steps 92 & 94).

Regarding claim 20, Foladare teaches performing the step of opening a communications link with individual station from which a response is received (col. 7, lines 47-56).

Regarding claim 21, Foladare teaches said query is against information about location of individual stations (col. 7, lines 1-2).

Regarding claim 25, Foladare teaches a computer program product comprising: a memory medium (fig. 1, element 22, col. 5, lines 58-64), and where computer program stored on said memory medium (col. 5, lines 31-33 & lines 58-64) said computer program including instructions for establishing communications between a calling station (fig. 1, element 12) and one or more called stations (inherent, Foladare teaches network comprising a paging network, it is inherent to the paging network to include a pager/called station) when information stored at a called station satisfies a search query sent by a calling station (col. 6, lines 18-24).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare (US # 6,134,454).

Regarding claim 26, the Foladare teaches said information stored at a called station is location information and in which said computer program includes instructions for obtaining location information from a plurality of stations (col. 7, lines 23-46). Foladare further teaches the use of GPS for geographic location/positioning of station (col. 7, lines 17-22) but fails to specifically disclose said GPS is utilized to further display said location information on a moving map display. However, official notice is taken, the displaying location information on a moving map display is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a moving map display with Foladare already existing GPS in order to allow Foladare's users to be able to view their location on a physical display.

#### ***Allowable Subject Matter***

Claims 1-10, 12-18, 22 and 23 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 10, 16 and 22, the prior art of record, specifically Foladare, teaches a updating a communications network of location of specific devices based on time or location. However, Foladare and other prior art of record fail to specifically disclose establishing a communication between a calling station and a called station where the called station comprises a database and a receiver for receiving a communication request including a query specifying at least one criterion for searching the database. Further comprising a comparator for comparing

information stored in the database with at least one criterion and a transmitter for responding to said communications request only when said information stored in said database satisfies said at least one criterion. Applicant's claimed invention is different than Foladare in that the called station of Applicant is physically a user's station. Foladare, although teaches database and comparator to use in satisfying a query, Foladare teaches doing so in the actual network. Foladare fails to specifically disclose said comparison via said database is physically done within the called station. Therefore, no motivation is found to modify Foladare's network to be specific to each user's called station.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,009,323, teaches a method of placing a call in a two-way radio communications.

US 5,790,676, teaches a radio port controller in a wireless communications system.

US 5,343,512, teaches a call setup for use with a network having mobile end users.

US 5,218,367, teaches a vehicle tracking system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 703-305-4223. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*Allen Macdonald*

Edan Orgad

*Edan Orgad*  
September 11, 2003

**ALLEN R. MACDONALD**  
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